

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
RAS Citron, LLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone: 973-575-0707 Attorneys For Secured Creditor Laura Eggerman, Esq. (LE-8250)	Case No.: 19-24288-MBK Chapter 13 Hearing: September 25, 2019 Judge Michael B. Kaplan
In Re: Randall L. Stewart and Michele Stewart, Debtors.	

OBJECTION TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN

COMES NOW, THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK, AS SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, N.A. F/K/A JPMORGAN CHASE BANK, AS TRUSTEE FOR STRUCTURED ASSET MORTGAGE INVESTMENTS II INC., BEAR STEARNS ALT-A TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-4 ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtors' Chapter 13 Plan (DE # 2), and states as follows:

1. Debtors, Randall L. Stewart and Michele Stewart, ("Debtors"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on July 23, 2019.
2. Secured Creditor holds a security interest in the Debtor's real property located at 34 DIXMONT AVENUE, EWING, NJ 08618, by virtue of a Mortgage recorded on March 05, 2005 in Book 08972, at Page 0725 of the Public Records of Mercer County, NJ. Said Mortgage secures a Note in the amount of \$173,000.00.
3. Debtors filed a Chapter 13 Plan ("Plan") on July 23, 2019.
4. Secured Creditor's claim is secured by a first lien security interest in real property that is the Debtors' principal residence and as such, said claim cannot be modified except by curing the default over a reasonable period of time not to exceed the jurisdictional limits of Chapter 13. See 11 U.S.C. § 1322(b)(2) and (5). The Plan seeks to modify Secured

Creditor's rights by proposing to pay \$26,000 as secured and reclassify \$120,034.00 as unsecured. Such a Plan provision is impermissible under the Bankruptcy Code and the Plan cannot be confirmed.

5. Secured Creditor reserves the right to supplement this response at or prior to any hearing on this matter.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtors' Plan, and for such other and further relief as the Court may deem just and proper.

RAS Citron, LLC
Attorney for Secured Creditor
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Fairfield, NJ 07004
Telephone: 973-575-0707

By: /s/Laura Egerman
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CERTIFICATION OF SERVICE

1. I, Laura Eggerman, Esq., represent THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK, AS SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, N.A. F/K/A JPMORGAN CHASE BANK, AS TRUSTEE FOR STRUCTURED ASSET MORTGAGE INVESTMENTS II INC., BEAR STEARNS ALT-A TRUST, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-4 in this matter.
2. On September 9, 2019, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

September 9, 2019

RAS Citron, LLC
Attorney for Secured Creditor
130 Clinton Road, Suite 202
Fairfield, NJ 07004
Telephone: 973-575-0707

By: /s/Laura Eggerman
Laura Eggerman, Esquire
NJ Bar Number LE-8250
Email: legerman@rasnj.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Robert G. Swan Law office of Robert G. Swan 3720 Nottingham Way Hamilton Square, NJ 08690	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Randall L. Stewart 34 Dixmont Avenue Ewing, NJ 08618 Michele Stewart 34 Dixmont Avenue Ewing, NJ 08618	Debtors	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Albert Russo Chapter 13 Standing Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
U.S. Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)